



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/987,848	11/16/2001	Ben Stafford	1076.40880X00	7574

22907 7590 01/09/2006

BANNER & WITCOFF
1001 G STREET N W
SUITE 1100
WASHINGTON, DC 20001

EXAMINER

BOUTAH, ALINA A

ART UNIT	PAPER NUMBER
----------	--------------

2143

DATE MAILED: 01/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/987,848

Applicant(s)

STAFFORD, BEN

Examiner

Alina N. Boutah

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

This action is in response to Applicant's amendment filed October 27, 2005. Claims 1-22 are pending in the present application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Puskala (U.S. Patent No. 6,908,389 hereinafter, Puskala) in view of Robinson (U.S. Patent No. 6,760,580, hereinafter Robinson)..

(Amended) Regarding claims 1, 13, 14 Puskala teaches a system for exchanging messages using a commonly accessible message board with means for:

on a user interface screen presenting a user with one or more predefined messages (fig. 5a and col. 9, lines 25-30); and

receiving an input from the user selecting one of the predefined messages as a message for posting on the message board (col. 9, lines 30-36).

Art Unit: 2143

However, Puskala fails to explicitly teach simultaneously presenting the user with a text entry in which the user can enter a user-defined message.

In similar art Robinson discloses an Instant Messaging system in a wireless and non-wireless environment that teaches a means for replying to an instant message by composing the message and sending it (col. 2, lines 7-13). It would have been obvious to a person having ordinary skill in the art to modify the system disclosed by Puskala to include the steps of composing and sending a non-predefined message after sending a predefined message in order to allow the user to create custom messages with user specified content thus allowing the users to communicate more effectively. Therefore that claimed limitations would have been obvious modifications.

Regarding claims 2 and 20, Puskala teaches means for posting the selected message on the message board, further comprising posting said selected message on said message board.

Regarding claims 3 and 19, Puskala teaches means wherein the posting of the selected message on the message board includes sending the selected message to at least one other user (col. 9, lines 30-36).

Regarding claim 4, Puskala teaches means wherein the sending said selected message to at least one other user comprises transmitting data corresponding to said selected message over a communications network (col. 4, lines 35-59).

Regarding claim 5, Puskala teaches means wherein the sending the selected message to at least one other user comprises transmitting data corresponding to said selected message over the Internet (fig. 1, 43).

Regarding claim 6, Puskala teaches means wherein the sending the selected message to at least one other user comprises transmitting the data corresponding to said selected message over a telecommunications network (col. 4, lines 38-45, UMTS Universal Mobile Telephone System).

Regarding claim 7, Puskala teaches means wherein the sending the selected message to at least one other user comprises transmitting data corresponding to said selected message as a short message service (SMS) message (col. 5, lines 53-57).

Regarding claim 8, Puskala teaches means wherein sending the selected message to at least one other user comprises transmitting data corresponding to said selected message over a local area network (col. 4, lines 51-57).

Regarding claim 9, Puskala teaches means wherein the presenting the user with the one or more predefined messages comprises outputting graphical representations of the predefined messages to a display (col. 3, lines 25-29).

Art Unit: 2143

Regarding claim 10, Puskala teaches means wherein the outputting the graphical representations comprise displaying selectable icons using a graphical user interface (figure 5C, and col. 10, lines 5-7).

Regarding claim 11, Puskala teaches means wherein each of the selectable icons includes text of a respective message to be posted to the message board (col. 9, lines 64-67).

Regarding claim 12, Puskala teaches means wherein selecting the one of the predefined messages includes locating a focus on a one of the selectable icons (col. 10, lines 7-10).

Regarding claims 15, 16, and 17, Puskala teaches wherein the device is a computer, mobile communications device, or a mobile telephone handset (col. 4, lines 27-34).

Regarding claims 18, 21, and 22, the combined system of Puskala and Robinson teaches a method of exchanging text messages comprising:

receiving a message and responding to the message by (fig. 5a and col. 9, lines 25-30);
selecting a predefined message and sending it (col. , b line's 30-36), and thereafter while Puskala discloses sending a predefined message does not specifically disclose responding to a message by composing a non-predefined message and sending it after sending a predefined message. Nonetheless, it is notoriously well known in the art to respond to a message by composing a response message and sending it.

Art Unit: 2143

In similar art Robinson discloses an Instant Messaging system in a wireless and non-wireless environment that teaches a means for replying to an instant message by composing the message and sending it (col. 2, lines 7-13). It would have been obvious to a person having ordinary skill in the art to modify the system disclosed by Puskala to include the steps of composing and sending a non-predefined message after sending a predefined message in order to allow the user to create custom messages with user specified content thus allowing the users to communicate more effectively. Therefore that claimed limitations would have been obvious modifications.

Regarding claim 19, the combined system of Puskala and Robinson discloses the sending of the messages comprise sending the message to another user (see Puskala col. 9, lines 30-36).

Regarding claim 20, the combined system of Puskala and Robinson discloses the sending of the messages comprises posting the messages to a commonly accessible message board (see Puskala col. 9, lines 34-36).

Response to Arguments

Applicant's arguments with respect to claims 1, 13 and 14 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

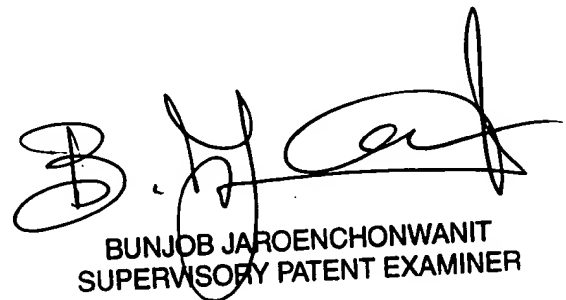
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alina N. Boutah whose telephone number is 571-272-3908. The examiner can normally be reached on Monday-Friday (9:00 am - 5:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2143

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ANB



BUNJOB JAROENCHONWANIT
SUPERVISORY PATENT EXAMINER